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LETTER DATED 16 NOVEMBER 1992 FROM THE AMBASSADOR OF THE REPUBLIC OF TURKEY TO THE REPUBLIC OF HUNGARY ADDRESSED TO THE CHAIRMAN OF THE COMMISSION ON HUMAN RIGHTS AND LETTER DATED 18 NOVEMBER 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

Written statement submitted by the International Progress Organization, a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[30 November 1992]

1. Since we last spoke before this Assembly, on 14 August 1992, nothing has been done to stop the war prosecuted by Serbia against hapless Bosnia and Herzgovina. The United Nations has stood by and watched. The Geneva talks, led by Messrs. Owen and Vance, have led to nothing. Reports of human rights violations in Kosovo, at first scattered, begin to multiply.

2. Let us not dwell upon the appalling crimes perpetrated by the Government and armed forces of Serbia, but rather let us hold her back from others. That Government, having violated every tenet of international humanitarian law, cannot be admitted to the table of diplomacy, but must be struck with the full force of international law.

3. In a spirit of clarity and efficiency, we call only for such simple but potent measures as will restore the rule of law and respect for the rights of man to the territory of Bosnia and Herzegovina, and Serbian-occupied Croatia.

4. In the region of Tuzla in north-eastern Bosnia, over 600,000 people are stranded, virtually without food or fuel. They depend for relief on more-than-hazardous land convoys, over poor roads which will shortly become impassable. Meanwhile, the second-largest airport in the Balkans, the Tuzla military airbase, in working order and close to intact rail lines, remains closed on United Nations and United Kingdom orders. This itself is a crime. Were this airport to be reopened, as it could be, within a day, the lives of 600,000 people would be secured, and the authority of the Government of Bosnia and Herzegovina restored over most of the country's north-east. Is this not a most desirable, a most urgent, a most humanitarian objective?

5. According to Article 51 of Chapter VII of the Charter of the United Nations, "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security." Clearly, the United Nations has not discharged its duty as described in the second clause of the above Article. Therefore, the "inherent right" of Bosnia, and Croatia for that matter, described above, remains fully operative. In international law, rights are not taken to be merely negative; there is a positive duty on the part of the international community to respect the inherent right to self-defence of a Member State, a fortiori, to do nothing to impede the exercise of that right. How, therefore can we justify am embargo against Croatia and Bosnia which prevents these two States Members of the United Nations from buying or receiving weapons, faced as they are with an aggressor who can draw upon a supply of weapons and equipment sufficient for a full five years of war?

6. A noted German legal scholar, Prof. Dr. Ulrich Fastenrath of Cologne University, goes further. He is of the opinion that those nations which connive to deny Bosnia the right to purchase weapons under such a circumstance of unprovoked attack are, in fact, committing a crime under international law.

7. The most principal of all rights of man is the right to life, for which the nation-State is the guarantor. When Serbia broke out of her borders as recognized in international law, and with armed might seized the territory of another, it violated the principle which enforces the right to life of the individual citizen. Our demand, therefore, that Serbia withdraw to its borders as they were before it invaded Croatia and Slovenia in June 1991, is unconditional and not negotiable. No change in the borders of Bosnia or Croatia shall be sanctioned, even implicitly, by this or any other international body.

War crimes

8. The IPO demands tha this assembly now gather and keep all proof necessary to establish the precise nature and instances of these crimes, and the identity of the perpetrators.

9. The judgements at Nürenberg have entered international law; it is beyond any doubt, that they apply to the present Government and armed forces of Serbia. In particular:

(a) The planning and the executing of a war of aggression;

(b) The planning and the executing of genocide;

(c) The aiding and abetting of genocide;

(d) The planning, the executing, the aiding and abetting of crimes against humanity; such crimes include expelling or translating entire peoples;

(e) The torture and the killing of prisoners and non-combatants.

10. On 29 October of this year, the French newspaper Libération published a report from their correspondent, who personally travelled to Vukovar and observed, near the hamlet of Ovcara, a mass grave. According to an escaped eye-witness, something like 247 non-combatants, including doctors and nurses, were taken from the hospital of Vukovar upon the fall of that City, on 20 November 1991, placed onto buses, driven to the hamlet of Ovcara, shot, and buried in that shallow grave. The existence of the gravesite has been confirmed by Dr. Clyde Snow, forensic scientist, in a report prepared for the United Nations.

11. It was Maj. Gen. Veselin Sljivanchanin who led the Serbian troops which entered Vukovar; it was he who was shown on Serbian television on 20 November 1991, ordering the hospital patients and personnel onto the bus ride from which they never returned. It was he who was the main speaker last week at a huge party thrown in Vukovar by the Serbian Government and armed forces to celebrate, if that is the word, the anniversary of the fall of the City. The shameless display by that Government and armed forces of an individual, Maj. Gen. Veselin Sljivanchanin, who will doubtless be among the first subjects drawn to the attention of a war crimes tribunal, can only mean that this is but one of many such horrid deeds.

12. Let it be noted, however, that not only the Government and armed forces of Serbia, but all those Governments and high officials of those Governments who have aided and abetted war crimes, shall themselves be charged and produced before a high court of justice. The position under the law of Nürenberg is clear: the concept of "non-assistance à personne en danger", tantamount to murder, applies a fortiori to a peril facing entire nations. Let those Western Governments and officials who even now have the power to aid the weak, and stop these monstrous crimes, but under specious pretexts do nothing, reflect upon their vile inaction, and be warned.